

Governor of the State of Texas

ALL TO WHOM THESE PRESENTS SHALL COME:

June 11, 1971

I disapprove, veto, and am filing with the Secretary of State, Senate Bill 172.

My objections to this bill are as follows:

Section 1, (e) of Senate Bill 172 permits the Executive Director to allow the "taking, exportation, transportation or possession of fish or wildlife" threatened with statewide extinction for "educational or scientific purposes" and for propagation. The Department currently has authority to issue permits of this nature by authority of Article 913, Vernon's Texas Penal Code. Additional authority to issue permits would appear unnecessary.

Section 1, (f) of Senate Bill 172 authorizes the Executive Director to conduct research on endangered species and would further authorize him to acquire land for research purposes. The Parks and Wildlife Commission is now authorized by Article 978f-3d, Vernon's Texas Penal Code, to acquire scientific areas "for the purpose of education, scientific research and/or preservation of fauna and flora ...". In addition, wildlife management areas may be acquired for wildlife research purposes (Article 978f-5, Vernon's Texas Penal Code).

Section 2 of Senate Bill 172 contains a repealer clause which repeals all laws in conflict. This legislation appears to conflict, at least partially, with the following Statutes:

Article 884, Vernon's Texas Penal Code, pertaining to the sale, purchase and importation of wild birds and animals.

Article 913, Vernon's Texas Penal Code, pertaining to the issuance of permits for taking protected wildlife or fish for propagation, zoological gardens or scientific purposes.

Article 907, Vernon's Texas Penal Code, pertaining to the possession of wild game birds, fowls or wild game animals out of season.

Article 955a-3, Vernon's Texas Penal Code, pertaining to the import, possession, sale or release of tropical fish or fish eggs which are harmful or potentially harmful.

Article 874, Vernon's Texas Penal Code, pertaining to the protection of non-game birds.

Article 888, Vernon's Texas Penal Code, regarding the depredation of wild birds and animals.

At Section 1, (c), (3) this bill requires a departmental review for any species placed on the statewide list when three (3) interested persons present substantial scientific evidence to warrant a review. Such a requirement could lead to frequent unnecessary review and require additional departmental staff for these reviews.

In addition, the Act exempts at Section 1, (c), (6) a list of animals, some species of which are now known to be endangered.

Inasmuch as the Public Wildlife Commission presently has most of the authority contained in this bill, I hereby veto same.

Senate Bill 172 was received May 26, 1971, less than ten (10) days prior to the adjournment of the Regular Session of the 62nd Legislature. In accordance with Article IV, Section 14, of the Texas Constitution, I am filing this Proclamation together with the bill in the Office of the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 11th day of June, A. D., 1971.

PRESTON SMITH

GOVERNOR OF TEXAS